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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/847,488 | 05/02/2001 | Donald W. Coffland | 00-046 | 6257 |
| 26471 | 7590 | 07/06/2004 | EXAMINER | |
| THE BOEING COMPANY P.O. BOX 3707 M/C 13-08 SEATTLE, WA 98124-2207 | | | GRANT, ALVIN J | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3723 | DATE MAILED: 07/06/2004 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/847,488 | COFFLAND ET AL. | |
| | Examiner | Art Unit | |
| | Alvin J Grant | 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 4, 5, 6 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Smyers, Jr. et al.

‘596.

Referring to claims 1, 2 and 5, Smyers, Jr. et al. discloses a mechanism for providing positive retention and release of a socket or fitting on a power driven nut runner or nut setter utilizing a push rod that interfaces with a sliding post or pin having mating surfaces for developing movement in perpendicular directions; and comprising first and second pieces, the first piece comprising a sliding shaft, the second piece comprising a post or pin, and the first and second pieces moving perpendicular to each other when the mating surfaces of the first and second pieces are engaged (Fig.: 2); the shaft has a full or partial cross section other than of round configuration for preventing a binding rotation when the sliding shaft interfaces with a similar cross sectional area inside a tool head or housing thereby allowing the mating surfaces which provide the perpendicular motion component to provide alignment for smooth motion (Fig.: 4; and column 3, lines 38-55).

Referring to claim 6, Smyers Jr. et al. discloses a method for retracting a socket retention post in a torque tool head comprising the steps of: providing a spring-loaded pushbutton pin through the torque tool head which mates with a socket retention post; depressing the spring loaded pushbutton pin to draw the socket retention post inward via an inclined surface thereby allowing the socket to be removed or installed; and, removing or installing the socket thereby providing spring return of the spring-loaded pushbutton pin to initial position locking the socket retention post in the outward position.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, Jr. et al. in view of Herman et al. '005.

Smyers, Jr. et al. is described above. Smyers Jr. et al. does not specifically disclose a method of encapsulating the push button but Herman et al. does. Herman et al. discloses an apparatus and a method associated therewith for encapsulating the actuator to protect against inadvertently releasing a socket during use (Abstract; and column 3, line 67 to column 4, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Smyers, Jr. et al. to encapsulate the actuator as taught by Smyers Jr. et al. so as to protect against inadvertently releasing a socket during use.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers, Jr. et al. in view of Rebolt '519 and in further view of Harper '638.

Smyers, Jr. et al. is described above. Smyers Jr. et al. does not disclose a nut runner power tool head. Rebolt discloses a nut runner power tool head to provide the capability of employing both power and hand driven techniques commonly referred to as a nut runner. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus of Smyers et al. to include a nut runner power tool head as taught by Rebolt so as to provide the capability of employing both power and hand driven techniques commonly referred to as a nut runner.

Smyers Jr. as modified does not disclose a nut runner gear. Harper discloses a conversion device for drills comprising a nut runner gear that transmits motor driven power to the drive. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a nut rut runner gear in the apparatus of the modified of Smyers, Jr. et al. as taught by Harper so as to transmit motor driven power to the drive.

Response to Arguments

Applicant's arguments filed 1 March 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Smyers Jr. et al. patent does not relate to power driven nut runners or nut setters, the statement of intended use is of no patentable consequence; Applicant does not claim the power tool as a part of the invention.

In response to Applicant's arguments that the references include a spring mechanism that allows the pin to be forced inward, column 3, lines 18-37 indicates that the spring mechanism biases the pin outward.

In response to Applicant's arguments that the apparatus of Smyers Jr. et al. cannot be modified to include the teachings of Herman et al., the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification expressly articulated. The test for combining references is what the combination of disclosures taken as a whole suggests to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case, Herman et al. teaches that the actuator of the modified Smyers Jr. et al. actuator can be encapsulated.

Applicant's arguments regarding the nut runner gear is moot regarding new rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period,

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then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1184.

ajg



Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700